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7 Attorneys for Defendant

MICHAEL BYRD

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9
10 **UNITED STATES DISTRICT COURT**

11 **NORTHERN DISTRICT OF CALIFORNIA**

12 **(SAN FRANCISCO DIVISION)**

13 ANDREW E. ROTH, derivatively on behalf
of BROCADE COMMUNICATIONS
SYSTEMS, INC.

14 Plaintiff,

15 vs.

16 GREGORY L. REYES, MICHAEL BYRD,
17 ANTONIO CANOVA, JACK CUTHBERT
and BROCADE COMMUNICATIONS
18 SYSTEMS, INC.

19 Defendants.

CASE NO. 3:06-CIV-2786 CRB

20 **STIPULATION EXTENDING TIME TO**
21 **RESPOND TO AMENDED COMPLAINT**

Honorable Charles R. Breyer

22 WHEREAS, the complaint in this action was filed on April 24, 2006;

23 WHEREAS, defendant Brocade Communications Systems, Inc. ("Brocade") filed a motion
24 to dismiss the complaint on June 8, 2006;

25 WHEREAS, defendant Michael Byrd waived service of process and his response to the
26 original complaint was due July 24, 2006;

27 WHEREAS, plaintiff then decided to amend the complaint in lieu of opposing Brocade's
28 motion to dismiss, and filed an amended complaint on July 14, 2006;

1 WHEREAS, plaintiff and defendant Brocade have agreed that defendant Brocade's
2 response to the amended complaint will be due on August 14, 2006;

3 WHEREAS, plaintiff and defendant Jack Cuthbert stipulated that Mr. Cuthbert's response
4 to the amended complaint will be filed and served by August 28, 2006;

5 WHEREAS, plaintiff and defendant Antonio Canova stipulated that Mr. Canova's response
6 to the amended complaint will be filed and served by August 28, 2006;

7 THEREFORE, the parties hereby stipulate as follows:

8 1. Defendant Michael Byrd's response to the amended complaint shall be served and
9 filed by August 28, 2006.

10 2. In the event plaintiff and Brocade enter into a further stipulation whereby Brocade's
11 response to the complaint is changed from the current August 14, 2006 date, Mr. Byrd shall have
12 two weeks after Brocade's response date to file his response to the amended complaint.

13
14 DATED: July 20, 2006

Respectfully submitted,

15 QUINN EMANUEL URQUHART OLIVER &
16 HEDGES, LLP

17 By _____/s/
18 Patrick C. Doolittle
19 Attorneys for Defendant
MICHAEL BYRD

20 DATED: July 20, 2006

SCHUBERT & REED LLP

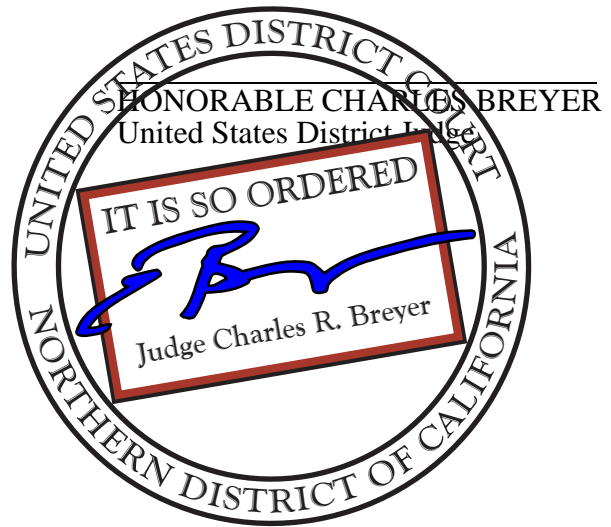
21 BRAGAR WEXLER & EAGEL, P.C.

22 OSTRAGER CHONG FLAHERTY & BROITMAN
23 P.C.

24
25 By _____/s/
26 Willem F. Jonckheer
27 Attorneys for Plaintiff
28 ANDREW E. ROTH

1 PURSUANT TO STIPULATION, IT IS SO ORDERED

2
3 Dated: July 24, 2006



1 I, Patrick C. Doolittle, am the ECF user whose identification and password are being used
2 to file this stipulation. In compliance with General Order 45.X.B, I hereby attest that the other
3 signatory has concurred in this filing.

4 DATED: July 20, 2006

Respectfully submitted,

5 QUINN EMANUEL URQUHART OLIVER &
6 HEDGES, LLP

7 By /s/ Patrick C. Doolittle

8 Patrick Doolittle
9 Attorneys for Defendant
MICHAEL BYRD